

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 1, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SF 2131</u>	<u>S-5068</u>	Filed	RECEIVED FROM THE HOUSE
<u>SF 2281</u>	<u>S-5067</u>	Adopted	AMY SINCLAIR
<u>SF 2341</u>	<u>S-5070</u>	Ruled Out of Order	ROBERT M. HOGG
<u>SF 2341</u>	<u>S-5072</u>	Lost	ROBERT M. HOGG
<u>SF 2341</u>	<u>S-5075</u>	Lost	TOD R. BOWMAN, et al
<u>SF 2344</u>	<u>S-5066</u>	Adopted	AMY SINCLAIR
<u>SF 2382</u>	<u>S-5071</u>	Adopted	DAN DAWSON
<u>SF 2383</u>	<u>S-5069</u>	Withdrawn	THOMAS A. GREENE
<u>SF 2383</u>	<u>S-5073</u>	Withdrawn	CHAZ ALLEN
<u>SF 2383</u>	<u>S-5074</u>	Adopted	RANDY FEENSTRA
<u>SF 2383</u>	<u>S-5076</u>	Adopted	RANDY FEENSTRA
<u>SF 2383</u>	<u>S-5077</u>	Withdrawn	BRAD ZAUN

Fiscal Notes

[SF 2351](#) — [Mental Health](#) (LSB5837SV)

[HF 2343](#) — [Statutory Construction, Explicit Delegation of Authority](#)
(LSB5734HV.1)

HOUSE AMENDMENT TO

S-5068

1 Amend Senate File 2131, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 2, by striking lines 4 through 7 and inserting
4 <used only for the purpose of administering this section and
5 shall be established so as not to exceed the ~~budgeted~~ cost of
6 administering this section ~~to the extent not covered by the~~
7 ~~moneys appropriated in subsection 9.~~ Providing professional>

8 2. Page 2, after line 16 by inserting:

9 <Sec. _____. AREA EDUCATION AGENCIES — ONLINE LEARNING
10 WORKING GROUP.

11 1. The area education agencies, in collaboration with the
12 community colleges and the department of education, shall
13 convene a working group to identify effective means by which
14 students may access educational instruction and content online
15 and shall identify partnerships between existing providers of
16 rigorous and high-quality online coursework.

17 2. The working group shall submit its findings to the
18 general assembly by October 15, 2018.

19 Sec. _____. EFFECTIVE DATE. The section of this Act providing
20 for an online learning working group, being deemed of immediate
21 importance, takes effect upon enactment.>

22 3. Title page, line 4, after <fees> by inserting <,
23 directing the area education agencies to convene an online
24 learning working group, and including effective date
25 provisions.>

26 4. By renumbering as necessary.

S-5068 FILED FEBRUARY 28, 2018

S-5067

- 1 Amend [Senate File 2281](#) as follows:
- 2 1. Page 3, by striking lines 26 through 31.

By AMY SINCLAIR

S-5067 FILED FEBRUARY 28, 2018

ADOPTED

S-5070

1 Amend Senate File 2341 as follows:

2 1. Page 1, by striking lines 11 through 13 and inserting
3 <The diploma shall be issued on the basis of demonstrated>

4 2. Page 1, line 16, after <studies> by inserting <Each
5 individual shall be issued a civics assessment in the manner
6 specified in section 280.9A, subsection 02, and each student
7 who successfully passes the civics examination shall be issued
8 a civics certificate with the high school equivalency diploma
9 issued under this chapter.>

10 3. By striking page 1, line 17, through page 2, line 17, and
11 inserting:

12 <Sec. _____. Section 280.9A, Code 2018, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 02. The board of directors of each local
15 public school district and the authorities in charge of each
16 nonpublic school shall administer a multiple-choice civics
17 examination that consists of all of the questions used in the
18 latest available civics examination administered by the United
19 States citizenship and immigration services. The proctored
20 examination shall be completed without ancillary materials and
21 only students who demonstrate proficiency with a score of sixty
22 percent or higher shall be considered to have successfully
23 passed the examination. Alternative assessment measures
24 approved by the department of education pursuant to section
25 256.9, subsection 60, may be administered to children requiring
26 special education as defined in section 256B.2, subsection
27 1, and to students identified as limited English proficient
28 pursuant to section 280.4. Each student shall be provided with
29 an opportunity to take the civics examination at least one
30 time per school calendar year. A student may take the test
31 at any time after enrolling in grade seven and may repeat the
32 test as often as necessary to demonstrate proficiency. If a
33 student in grade seven or eight passes the civics examination,
34 the student has met the graduation requirement applicable to
35 this subsection 02. A fee shall not be imposed or collected in

S-5070 (Continued)

1 connection with this subsection 02. Each school district or
2 nonpublic school shall issue to each student who successfully
3 passes the civics examination a civics certificate with the
4 student's high school diploma.>

5 4. Title page, by striking lines 2 through 3 and inserting
6 <to high school students and individuals seeking to obtain a
7 high school equivalency diploma, and>

8 5. By renumbering as necessary.

By ROBERT M. HOGG

S-5070 FILED FEBRUARY 28, 2018

RULED OUT OF ORDER

S-5072

1 Amend the amendment, S-5061, to Senate File 2341 as follows:

2 1. Page 1, by striking lines 2 through 6 and inserting:

3 <____. Page 1, by striking lines 11 through 13 and inserting
4 <The diploma shall be issued on the basis of demonstrated>

5 _____. Page 1, line 16, after <studies> by inserting <Each
6 individual shall be issued a civics assessment in the manner
7 specified in section 280.9A, subsection 02, and each qualified
8 individual who successfully passes the civics examination shall
9 be issued a civics certificate with the high school equivalency
10 diploma issued under this chapter.>

11 3. By striking page 1, line 17, through page 2, line 17, and
12 inserting:

13 <Sec. _____. Section 280.9A, Code 2018, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 02. The board of directors of each local
16 public school district and the authorities in charge of each
17 nonpublic school shall administer a multiple-choice civics
18 examination that consists of all of the questions used in the
19 latest available civics examination administered by the United
20 States citizenship and immigration services. The proctored
21 examination shall be completed without ancillary materials and
22 only students who demonstrate proficiency with a score of sixty
23 percent or higher shall be considered to have successfully
24 passed the examination. Alternative assessment measures
25 approved by the department of education pursuant to section
26 256.9, subsection 60, may be administered to children requiring
27 special education as defined in section 256B.2, subsection
28 1, and to students identified as limited English proficient
29 pursuant to section 280.4. Each student shall be provided with
30 an opportunity to take the civics examination at least one
31 time per school calendar year. A student may take the test
32 at any time after enrolling in grade seven and may repeat the
33 test as often as necessary to demonstrate proficiency. If a
34 student in grade seven or eight passes the civics examination,
35 the student has met the graduation requirement applicable to

S-5072 (Continued)

1 this subsection 02. A fee shall not be imposed or collected in
2 connection with this subsection 02. Each school district or
3 nonpublic school shall issue to each student who successfully
4 passes the civics examination a civics certificate with the
5 student's high school diploma.>

6 _____. Title page, by striking lines 2 through 3 and inserting
7 <to high school students and individuals seeking to obtain a
8 high school equivalency diploma, and>

9 _____. By renumbering as necessary.>

By ROBERT M. HOGG

[S-5072](#) FILED FEBRUARY 28, 2018

LOST

S-5075

1 Amend Senate File 2341 as follows:

2 1. Page 2, after line 15 by inserting:

3 <c. Beginning with the 2019-2020 school year, in conjunction
4 with the social studies curriculum, a project-based assessment
5 in civics. Alternative assessment measures approved by the
6 department of education pursuant to section 256.9, subsection
7 60, may be administered to children requiring special education
8 as defined in section 256B.2, subsection 1. Each school
9 district and accredited nonpublic school shall develop and
10 design the assessments administered under this paragraph
11 to measure the civics learning objectives contained in the
12 social studies curriculum and to demonstrate understanding and
13 relevance of public policy, the structure of federal, state,
14 and local governments, and the Constitution of the State of
15 Iowa and the Constitution of the United States.

16 Sec. _____. Section 280.9A, Code 2018, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. The examination requirements of
19 subsection 1, paragraphs "b" and "c", shall not apply to
20 children requiring special education who have severe and
21 profound disabilities.>

22 2. Title page, line 1, after <of> by inserting <a
23 project-based assessment in civics and>

24 3. By renumbering as necessary.

By TOD R. BOWMAN
NATE BOULTON

S-5075 FILED FEBRUARY 28, 2018

LOST

S-5066

- 1 Amend [Senate File 2344](#) as follows:
- 2 1. Page 4, by striking lines 8 through 11.
- 3 2. By renumbering, redesignating, and correcting internal
- 4 references as necessary.

By AMY SINCLAIR

S-5066 FILED FEBRUARY 28, 2018
ADOPTED

S-5071

- 1 Amend the amendment, S-5051, to Senate File 2382 as follows:
- 2 1. Page 1, by striking lines 25 through 27 and inserting:
- 3 <____. Page 3, by striking line 10 and inserting:
- 4 <3. A person shall be granted an>>
- 5 2. By renumbering, redesignating, and correcting internal
- 6 references as necessary.

By DAN DAWSON

S-5071 FILED FEBRUARY 28, 2018

ADOPTED

S-5069

1 Amend Senate File 2383 as follows:

2 1. Page 31, after line 28 by inserting:

3 <Sec. _____. 2014 Iowa Acts, chapter 1130, section 27, is
4 amended to read as follows:

5 SEC. 27. INVESTMENT TAX CREDITS ISSUED TO ELIGIBLE
6 HOUSING BUSINESSES UNDER THE ENTERPRISE ZONE PROGRAM —
7 TRANSFERABILITY. Notwithstanding the requirement in section
8 15E.193B, subsection 8, Code 2014, that not more than three
9 million dollars worth of tax credits for housing developments
10 located in a brownfield site or a blighted area shall be
11 eligible for transfer in a calendar year unless the eligible
12 housing business is also eligible for low-income housing tax
13 credits authorized under section 42 of the Internal Revenue
14 Code, and notwithstanding the requirement in section 15E.193B,
15 subsection 8, Code 2014, that the economic development
16 authority shall not approve more than one million five hundred
17 thousand dollars in tax credit certificates for transfer to
18 any one eligible housing business located on a brownfield
19 site or in a blighted area in a calendar year, all investment
20 tax credits determined under section 15E.193B, subsection 6,
21 paragraph "a", Code 2014, for housing developments located on
22 a brownfield site or in a blighted area may be approved by the
23 economic development authority for transfer in calendar year
24 2014, or any subsequent calendar year, provided the eligible
25 housing business was awarded the investment tax credit before
26 the effective date of this section of this division of this Act
27 and notifies the economic development authority, in writing,
28 before July 1, 2014, of its intent to transfer such tax
29 credits, or provided the eligible housing business was awarded
30 the investment tax credit before July 1, 2015, for a housing
31 development located in a blighted area and in a county with
32 a total population of less than fifty thousand as determined
33 by the most recent federal decennial census, and submits a
34 written request for approval to transfer such tax credits to
35 the economic development authority before October 31, 2017,

S-5069 (Continued)

1 and provided the eligible housing business and the related
2 housing development meet all other applicable requirements
3 under section 15E.193B, Code 2014. Notwithstanding any other
4 provision of law to the contrary, a tax credit transferred
5 pursuant to this section shall not be claimed by a transferee
6 prior to January 1, 2016.>

7 2. Page 32, line 18, by striking <11> and inserting <12>

8 3. Page 33, after line 22 by inserting:

9 <12. The section of this division of this Act amending
10 2014 Iowa Acts, chapter 1130, section 27, being deemed of
11 immediate importance, takes effect upon enactment, and applies
12 retroactively to May 30, 2014.>

13 4. By renumbering as necessary.

By THOMAS A. GREENE

S-5069 FILED FEBRUARY 28, 2018

WITHDRAWN

S-5073

- 1 Amend Senate File 2383 as follows:
- 2 1. Page 29, by striking lines 11 through 30.
- 3 2. By renumbering as necessary.

By CHAZ ALLEN

S-5073 FILED FEBRUARY 28, 2018

WITHDRAWN

S-5074

1 Amend Senate File 2383 as follows:

2 1. Page 10, after line 8 by inserting:

3 <NEW SUBSECTION. 6A. Subtract, to the extent included,
4 income from interest and earnings received from a burial trust
5 fund as defined in section 523A.102.>

6 2. By striking page 11, line 29, through page 12, line 20,
7 and inserting:

8 <31. a. For a person who is disabled, or is fifty-five
9 years of age or older, or is the surviving spouse of an
10 individual or a survivor having an insurable interest in an
11 individual who would have qualified for the exemption under
12 this subsection for the tax year, subtract, to the extent
13 included, the total amount of a governmental or other pension
14 or retirement pay, including, but not limited to, defined
15 benefit or defined contribution plans, annuities, individual
16 retirement accounts, plans maintained or contributed to by an
17 employer, or maintained or contributed to by a self-employed
18 person as an employer, and deferred compensation plans or any
19 earnings attributable to the deferred compensation plans, up
20 to a maximum ~~of six thousand dollars~~ amount as specified in
21 paragraph "b" for a person, other than a husband or wife, who
22 files a separate state income tax return and up to a maximum
23 ~~of twelve thousand dollars~~ amount as specified in paragraph
24 "c" for a husband and wife who file a joint state income tax
25 return. However, a surviving spouse who is not disabled or
26 fifty-five years of age or older can only exclude the amount
27 of pension or retirement pay received as a result of the death
28 of the other spouse. A husband and wife filing separate state
29 income tax returns ~~or separately on a combined state return~~
30 are allowed a combined maximum exclusion under this subsection
31 of up to ~~twelve thousand dollars~~. ~~The twelve thousand dollar~~
32 the maximum amount specified in paragraph "c", which exclusion
33 shall be allocated to the husband or wife in the proportion
34 that each spouse's respective pension and retirement pay
35 received bears to total combined pension and retirement pay

1 received.

2 b. (1) For tax years beginning on or after January 1, 2019,
3 but before January 1, 2022, the maximum exclusion amount equals
4 ten thousand dollars.

5 (2) For tax years beginning on or after January 1, 2022, the
6 maximum exclusion amount equals twelve thousand dollars.

7 c. (1) For tax years beginning on or after January 1, 2019,
8 but before January 1, 2022, the maximum exclusion amount equals
9 twenty thousand dollars.

10 (2) For tax years beginning on or after January 1, 2022, the
11 maximum exclusion amount equals twenty-four thousand dollars.>

12 3. Page 22, line 26, by striking <July 1, 2018> and
13 inserting <January 1, 2019>

14 4. Page 25, line 32, by striking <thirty-five> and inserting
15 <forty>

16 5. Page 32, line 18, by striking <11> and inserting <15>

17 6. Page 33, after line 22 by inserting:

18 <12. The sections of this division of this Act amending
19 section 15.331A, subsection 1, section 15.331C, and section
20 15.335, subsection 8, apply to high quality jobs program
21 agreements entered into on or after July 1, 2018, and high
22 quality jobs program agreements entered into prior to July
23 1, 2018, shall be governed by section 15.331A, subsection 1,
24 section 15.331C, and section 15.335, subsection 8, Code 2018.

25 13. The repeal of the accelerated career education program
26 by the section of this division of this Act enacting section
27 260G.8, shall not constitute grounds for rescission or
28 modification of agreements entered into under chapter 260G
29 prior to July 1, 2025. Any agreement entered into under
30 chapter 260G prior to July 1, 2025, shall remain in effect
31 until it expires under its own terms, and shall be governed by
32 chapter 260G as that chapter existed immediately prior to July
33 1, 2025.

34 14. The repeal of the historic preservation tax credit
35 program by the section of this division of this Act enacting

1 section 404A.7, shall not constitute grounds for rescission
2 or modification of agreements entered into under chapter 404A
3 prior to July 1, 2025. Any agreement entered into under
4 chapter 404A prior to July 1, 2025, shall remain in effect
5 until it expires under its own terms, and shall be governed by
6 chapter 404A as that chapter existed immediately prior to July
7 1, 2025.

8 15. The repeal of the high quality jobs program by the
9 section of this division of this Act repealing sections 15.326,
10 15.327, 15.329, 15.330, 15.330A, 15.331A, 15.331C, 15.332,
11 15.333, 15.333A, 15.335, 15.335A, 15.335B, 15.335C, and 15.336,
12 shall not constitute grounds for rescission or modification of
13 agreements entered into under those sections prior to July 1,
14 2025. Any agreement entered into under those sections prior
15 to July 1, 2025, shall remain in effect until it expires under
16 its own terms, and shall be governed by those sections as they
17 existed immediately prior to July 1, 2025.>

18 7. Page 39, by striking lines 25 through 29 and inserting
19 <loan association, or a production credit association.>

20 8. By striking page 54, line 24, through page 55, line 1.

21 9. Page 55, lines 5 and 6, by striking <or specified digital
22 products>

23 10. Page 55, lines 13 and 14, by striking <property,
24 specified digital products,> and inserting <property>

25 11. Page 55, by striking lines 23 through 31.

26 12. By striking page 55, line 35, through page 56, line 1,
27 and inserting <in the business of selling tangible personal
28 property or taxable services at retail, or>

29 13. Page 56, by striking lines 11 and 12 and inserting <they
30 obtain tangible personal property or services sold by them
31 irrespective of whether or not>

32 14. By striking page 57, line 28, through page 58, line 18.

33 15. Page 58, line 24, by striking <property, specified
34 digital products,> and inserting <property>

35 16. Page 58, by striking line 28 and inserting <property or

- 1 service.>
- 2 17. Page 58, line 33, by striking <or a specified digital
- 3 product>
- 4 18. Page 61, by striking lines 2 and 3 and inserting:
- 5 a1. Pay television;~~pet.~~>
- 6 19. Page 62, by striking lines 27 through 34.
- 7 20. Page 64, by striking lines 5 through 20.
- 8 21. Page 67, line 4, by striking <1, 2,> and inserting <2>
- 9 22. Page 67, by striking lines 6 through 9.
- 10 23. Page 67, line 24, by striking <property, specified
- 11 digital products,> and inserting <property>
- 12 24. Page 68, by striking lines 24 through 28.
- 13 25. Page 68, lines 29 and 30, by striking <20, 21, 22, 23,
- 14 26, 27, 28, and 31,> and inserting <21, 22, and 31,>
- 15 26. Page 68, by striking lines 31 through 33.
- 16 27. Page 68, by striking line 35 and inserting <tangible
- 17 personal property>
- 18 28. Page 69, by striking lines 5 and 6 and inserting
- 19 ~~<merchandise,~~ tangible personal property or from services
- 20 furnished~~,~~ to a nonprofit private>
- 21 29. Page 69, by striking lines 8 through 23.
- 22 30. Page 69, line 25, by striking <or specified digital
- 23 products>
- 24 31. Page 70, line 4, by striking <or specified digital
- 25 products>
- 26 32. By striking page 70, line 19, through page 71, line 13.
- 27 33. Page 72, by striking line 19 and inserting <property or
- 28 services which will be>
- 29 34. Page 72, by striking lines 22 and 23.
- 30 35. Page 72, line 28, by striking <specified digital
- 31 products,>
- 32 36. Page 72, lines 30 and 31, by striking <specified digital
- 33 products,>
- 34 37. Page 73, line 6, by striking <or specified digital
- 35 products,>

S-5074 (Continued)

- 1 38. Page 73, line 11, by striking <subsections> and
2 inserting <subsection>
- 3 39. Page 73, by striking lines 12 through 32.
- 4 40. Page 73, line 33, by striking <105.> and inserting
5 <103.>
- 6 41. Page 74, line 9, by striking <or specified digital
7 products,>
- 8 42. Page 74, lines 17 and 18, by striking <or specified
9 digital products,>
- 10 43. By striking page 76, line 25, through page 78, line 14.
- 11 44. Page 78, line 15, by striking <paragraphs b and c,> and
12 inserting <paragraph b,>
- 13 45. Page 78, line 16, by striking <are> and inserting <is>
- 14 46. Page 78, by striking line 18 and inserting <other than
15 that enumerated in>
- 16 47. Page 78, by striking lines 27 through 31.
- 17 48. Page 79, lines 1 and 2, by striking <specified digital
18 products> and inserting <digital goods>
- 19 49. Page 81, by striking line 2 and inserting <or through
20 another digital good.>
- 21 50. Page 81, by striking lines 3 through 8 and inserting:
22 <(5) A marketplace provider shall be relieved of liability
23 under this paragraph "d" for failure to collect and remit sales
24 and use tax on an Iowa sale made or facilitated for a retailer
25 under the following circumstances:
- 26 (a) If the marketplace provider demonstrates to the
27 satisfaction of the department that the failure to collect and
28 remit the correct tax was due to incorrect or insufficient
29 information provided to the marketplace provider by the
30 retailer. This subparagraph division does not apply if a
31 marketplace provider and a retailer are affiliates. For Iowa
32 sales for which a marketplace provider is relieved of liability
33 under this subparagraph division, the retailer or purchaser are
34 solely liable for any amount of uncollected or unpaid tax.
- 35 (b) (i) Subject to the limitation in subparagraph

1 subdivision (ii), if the marketplace provider demonstrates
2 to the satisfaction of the department that the Iowa sale was
3 made or facilitated for a retailer prior to January 1, 2026,
4 through a platform or other marketplace of the marketplace
5 provider, that the marketplace provider and the retailer are
6 not affiliates, and that the failure to collect sales and
7 use tax was not due to an error in sourcing the sale. To the
8 extent that a marketplace provider is relieved of liability
9 for collection of sales and use tax under this subparagraph
10 division, the retailer for whom the marketplace provider
11 has made or facilitated the Iowa sale is also relieved of
12 liability. The department may determine the manner in which
13 a marketplace provider or retailer shall claim the liability
14 relief provided in this subparagraph division.

15 (ii) The liability relief provided in subparagraph
16 subdivision (i) shall not exceed the following percentage
17 of the total sales and use tax due on Iowa sales made or
18 facilitated by a marketplace provider for retailers and sourced
19 to this state during a calendar year:

20 (A) For Iowa sales made or facilitated during the 2019
21 calendar year, ten percent.

22 (B) For Iowa sales made or facilitated during calendar years
23 2020 through 2024, five percent.

24 (C) For Iowa sales made or facilitated during the 2025
25 calendar year, three percent.>

26 51. Page 81, line 15, by striking <specified digital
27 products> and inserting <digital goods>

28 52. Page 81, line 19, by striking <specified digital
29 products> and inserting <digital goods>

30 53. Page 81, lines 25 and 26, by striking <specified digital
31 products> and inserting <digital goods>

32 54. Page 81, by striking lines 29 through 33 and inserting
33 <digital goods, or otherwise facilitates retail sales of
34 tangible personal property, services, or digital goods,
35 regardless of ownership or control of the tangible personal

1 property, services, or digital goods that are the subject of
2 the retail sale.>

3 55. Page 82, line 8, by striking <specified digital
4 products> and inserting <digital goods>

5 56. Page 82, lines 11 and 12, by striking <specified digital
6 products> and inserting <digital goods>

7 57. Page 82, lines 16 and 17, by striking <specified digital
8 products> and inserting <digital goods>

9 58. Page 82, lines 19 and 20, by striking <specified digital
10 products> and inserting <digital goods>

11 59. Page 82, line 24, by striking <specified digital
12 products> and inserting <digital goods>

13 60. Page 82, by striking lines 26 through 29 and inserting
14 <tangible personal property, services, or digital goods,
15 regardless of ownership or control of the tangible personal
16 property, services, or digital goods that are the subject of
17 the retail sale.>

18 61. Page 82, line 33, by striking <specified digital
19 products> and inserting <digital goods>

20 62. Page 83, line 4, by striking <specified digital
21 products> and inserting <digital goods>

22 63. Page 83, after line 8 by inserting:

23 <e. (1) A referrer if Iowa sales result from referrals
24 from a platform of the referrer. A referrer is not required to
25 collect and remit sales and use tax pursuant to this paragraph
26 if the referrer does all of the following:

27 (a) The referrer posts a conspicuous notice on each platform
28 of the referrer that includes all of the following:

29 (i) A statement that sales or use tax is due on certain
30 purchases.

31 (ii) A statement that the retailer from whom the person is
32 purchasing on the platform may not collect and remit sales and
33 use tax on a purchase.

34 (iii) A statement that Iowa requires the purchaser to pay
35 sales or use tax and file sales or use tax returns if sales

1 or use tax is not collected at the time of the sale by the
2 retailer.

3 (iv) Information informing the purchaser that the notice is
4 provided under the requirements of this subparagraph.

5 (v) Instructions for obtaining additional information from
6 the department regarding whether and how to remit sales and use
7 tax to the state of Iowa.

8 (b) The referrer provides a monthly notice to each retailer
9 to whom the referrer made a referral of a potential customer
10 located in Iowa during the previous calendar year, which
11 monthly notice shall contain all of the following:

12 (i) A statement that Iowa imposes a sales or use tax on Iowa
13 sales.

14 (ii) A statement that a retailer making Iowa sales must
15 collect and remit sales and use tax.

16 (iii) Instructions for obtaining additional information
17 from the department regarding the collection and remittance of
18 Iowa sales and use tax.

19 (c) The referrer provides the department with monthly
20 reports in an electronic format and in the manner prescribed
21 by the department, which monthly reports contain all of the
22 following:

23 (i) A list of retailers who received the referrer's notice
24 under subparagraph division (b).

25 (ii) A list of retailers that collect and remit Iowa sales
26 and use tax and that list or advertise the retailer's products
27 for sale on a platform of the referrer.

28 (iii) An affidavit signed under penalty of perjury from
29 an officer of the referrer affirming that the referrer made
30 reasonable efforts to comply with the applicable sales and use
31 tax notice and reporting requirements of this subparagraph.

32 (2) For purposes of this paragraph:

33 (a) "Platform" means an electronic or physical medium,
34 including but not limited to an internet site or catalog,
35 operated by a referrer.

1 (b) "Referral" means the transfer through telephone,
2 internet link, or other means by a referrer of a potential
3 customer to a retailer who advertises or lists products for
4 sale on a platform of the referrer.

5 (c) (i) "Referrer" means a person who does all of the
6 following:

7 (A) Contracts or otherwise agrees with a retailer to list
8 or advertise for sale a product of the retailer on a platform,
9 provided such listing or advertisement identifies whether or
10 not the retailer collects sales and use tax.

11 (B) Receives a commission, fee, or other consideration from
12 the retailer for the listing or advertisement.

13 (C) Provides referrals to a retailer or an affiliate of the
14 retailer.

15 (D) Does not collect money or other consideration from the
16 customer for the transaction.

17 (ii) "Referrer" does not include a person primarily engaged
18 in the business of printing or publishing a newspaper.>

19 64. Page 83, line 9, by striking <e.> and inserting <f.>

20 65. Page 84, line 2, by striking <"e"> and inserting <"f">

21 66. Page 84, line 5, by striking <f.> and inserting <g.>

22 67. Page 84, line 9, by striking <g.> and inserting <h.>

23 68. Page 84, line 29, by striking <h.> and inserting <i.>

24 69. Page 84, by striking lines 34 and 35 and inserting:

25 <All sales of ~~products~~ tangible personal property or
26 services, except those sales enumerated>

27 70. Page 85, by striking line 4 and inserting <tangible
28 personal property, digital goods,>

29 71. Page 85, lines 24 and 25, by striking <specified digital
30 ~~good~~ product> and inserting <digital good>

31 72. By striking page 85, line 30, through page 86, line 11.

32 73. Page 86, lines 15 and 16, by striking <or specified
33 digital products>

34 74. Page 86, line 21, by striking <or specified digital
35 products>

1 or against any person required to collect any tax imposed under
2 this Title, in any court, agency, or other adjudicative body,
3 or in any other forum. This subsection shall not apply to or
4 otherwise limit any claim, action, mandate, power, remedy, or
5 discretion of the department, or an agent or designee of the
6 department.

7 3. *Private cause of action immunity for overpayment of*
8 *certain taxes.*

9 a. A taxpayer, or any person required to collect taxes
10 imposed under chapters 423, 423A, 423B, 423C, and 423D, and
11 chapter 423G, as enacted in 2018 Iowa Acts, Senate File 512,
12 shall be immune from any private cause of action arising from
13 or related to the overpayment of taxes imposed under chapters
14 423, 423A, 423B, 423C, and 423D, and chapter 423G, as enacted
15 in 2018 Iowa Acts, Senate File 512, that are collected and
16 remitted to the department.

17 b. Nothing in this subsection shall apply to or otherwise
18 limit any of the following:

19 (1) Any claim, action, mandate, power, remedy, or
20 discretion of the department, or an agent or designee of the
21 department.

22 (2) A taxpayer's right to seek a refund from the department
23 related to taxes imposed under chapters 423, 423A, 423B,
24 423C, and 423D, and chapter 423G, as enacted in 2018 Iowa
25 Acts, Senate File 512, that are collected from or paid by the
26 taxpayer.

27 Sec. _____. EFFECTIVE DATE. This division of this Act, being
28 deemed of immediate importance, takes effect upon enactment.>

29 88. Title page, line 7, by striking <trust,> and inserting
30 <trust, providing for other properly related matters,>

31 89. By renumbering as necessary.

By RANDY FEENSTRA

S-5074 (Continued)

ADOPTED

S-5076

- 1 Amend the amendment, S-5074, to Senate File 2383 as follows:
- 2 1. Page 3, line 18, by striking <29> and inserting <28>

By RANDY FEENSTRA

S-5076 FILED FEBRUARY 28, 2018

ADOPTED

S-5077

1 Amend Senate File 2383 as follows:

2 1. Page 33, line 24, by striking <AND MONEYS AND CREDITS
3 TAX>

4 2. By striking page 33, line 25, through page 41, line 35.

5 3. Page 42, by striking lines 21 through 34.

6 4. Title page, line 3, by striking <the moneys and credits
7 tax,>

8 5. By renumbering as necessary.

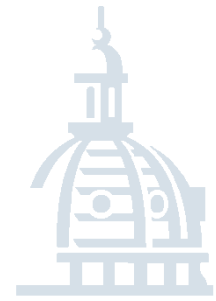
By BRAD ZAUN

S-5077 FILED FEBRUARY 28, 2018

WITHDRAWN

Fiscal Note

Fiscal Services Division



SF 2351 – Mental Health (LSB5837SV)

Analyst: Jess Benson (515.689.0598) jess.benson@legis.iowa.gov

Fiscal Note Version – New

Description

Senate File 2351 implements numerous changes relating to mental health and disability services, including:

- Amending Iowa Code chapter [135G](#) related to subacute health care facilities to remove the conditions for issuing a license to a facility and the current 75-bed cap, and requiring the Department of Inspections and Appeals (DIA) to issue a license if the facilities and staff are adequate to provide the care and services required of a subacute care facility.
- Amending Iowa Code chapter [229](#) to expand the definition of seriously mentally impaired to include a person who has a mental illness, and because of that illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment, and has a history of a lack of compliance with treatment, or resulted in one or more acts of serious physical injury to the person's self or others or an attempt to seriously physically injure the person's self or others.
- Amending Iowa Code chapter [229](#) to allow an individual in protective custody to be treated with oral antipsychotic medication. Current law only allows for injectable antipsychotic medication.
- Requiring each Mental Health and Disability Services (MHDS) region to submit a quarterly report to the Department of Human Services (DHS) providing information on the accessibility of intensive mental health services and the progress the region has made in meeting the region's milestones for compliance. If a region fails to meet the milestones in the region's plan for compliance regarding access requirements, the region is required to submit a plan of correction to the DHS to address deficiencies in the region's plan for compliance. The DHS is required to combine and analyze the quarterly reports and make the results public within 30 days of receipt of all reports.
- Amending Iowa Code section [331.397](#) to require the following service domains to the extent that federal matching funds are available under the Iowa Health and Wellness Plan (IHAWP):
 - Six access centers that are located in crisis residential and subacute residential settings with 16 beds or fewer that provide immediate, short-term assessments for persons with serious mental illness or substance use disorders who do not need inpatient psychiatric hospital treatment, but who do need significant amounts of supports and services not available in the persons' homes or communities.
 - Assertive community treatment services.
 - Comprehensive facility and community-based crisis services, including mobile response, 23-hour crisis observation and holding, community-based crisis stabilization services, crisis stabilization residential services, and subacute services provided in facility and community-based settings.
 - Intensive residential service homes for persons with severe and persistent mental illness in scattered-site community-based residential settings that provide intensive services and that operate 24 hours per day.

- Specifying that if a county switches regions, the county's historic budget-capped levy amount is used to calculate the new regional levy, similarly to the process of calculating the regional levies when the regions were created.
- Requiring each MHDS region to include in its annual report a plan that identifies milestones for access centers, assertive community treatment, comprehensive crisis services and intensive residential services homes, no later than July 1, 2021. The plan shall, at a minimum, include information relating to processes, implementation time frames, plans for collaboration with other regions and the Medicaid program, and the region's associated budget plan.
- Amending Iowa Code section [331.391](#)(4) to eliminate the current requirements related to cash flow and establishing a limitation on the cash flow amount of a region equal to 30.0% of the gross expenditures. Any residual funding remaining in excess of the 30.0% limit is to be used to expand the region's core services and then make additional core services available. Currently, counties are required to spend down fund balances in excess of 25.0%. Beginning in FY 2018, counties have three years to spend down fund balances on services required in their regional management plans. Beginning in FY 2022, counties are limited to a fund balance reserved for cash flow of 20.0% of gross expenditures if the region has a population equal to or greater than 100,000, or 25.0% of gross expenditures if the region has a population of fewer than 100,000. Counties will be required to reduce their levies by any dollar amount in excess of the cash flow amount.

Background

[Senate File 504](#) (FY 2018 Mental Health Property Tax Levy Act) directs the DHS to convene a stakeholder workgroup to make recommendations relating to the delivery of, access to, and coordination and continuity of mental health, disability, and substance use disorder services and supports for individuals in particular those individuals with complex mental health, disability, and substance use disorder needs. In addition, the Act required the regional administrators for the MHDS regions to convene a stakeholder workgroup to create collaborative policies and processes relating to the delivery of, access to, and continuity of services for individuals with complex mental health, disability, and substance use disorder needs. [House File 2456](#) is a product of the report by the workgroups. Information from both workgroups and the final report are available here: dhs.iowa.gov/mhds/community-integration.

Assumptions

Overall Assumptions

- The services listed in the Bill are currently reimbursable by Medicaid and are services that counties may provide. Defining the services as core services will increase development and utilization of these services. The fiscal impact estimated in this **Fiscal Note** assumes that the services will be defined as core services.
- The regular Medicaid Federal Medical Assistance Percentage (FMAP) rate is 40.07% State and 59.93% federal. It is assumed that because of the complex needs of the individuals requiring the services listed below, individuals will be on Medicaid instead of the IHAWP. If there are individuals covered by IHAWP who receive the services below, the enhanced match rate of 93.50% federal and 6.50% State will apply.
- MHDS regions are responsible for the startup costs of the services listed below and for the costs not reimbursed by Medicaid.
- MHDS regions had an ending fund balance of \$145.4 million in FY 2017 and, based on budgeted expenditures, are projected to have an ending fund balance of \$109.3 million at the end of FY 2018.
- Although the regions as a whole have large fund balances, the funds are not evenly distributed among all regions. In addition, long-term funding may need to be addressed in

regions with levy caps below the statewide maximum of \$47.28 per capita. **Attachment 1** shows a detailed analysis of county revenues, expenditures, and estimated fund balances provided by the DHS.

- The DIA will complete six subacute surveys annually (30 hours each) and 12 subacute investigations annually (30 hours each). The average hourly wage for a surveyor is \$58 per hour, with a 2.0% wage increase in the surveyor's second year of employment. Vehicle expenses are \$16,000 for the first year. Other support expenses such as travel, supplies, and equipment are estimated to be \$7,225 per year.

Access Centers

- The average daily bed rate will be \$392.04, using a crisis and subacute services blend.
- There will be 12 beds in June 2019, and the number of beds will increase to 48 by the end of FY 2020.
- Medicaid will cover an 80.0% occupancy rate. The remaining costs will be funded by the regions.

Assertive Community Treatment (ACT)

- There will be four new ACT teams operational in FY 2019 and 10 teams operational by the end of FY 2020.
- Average new Medicaid recipients are estimated at 52 in FY 2019 and 409 in FY 2020.
- The estimated monthly Medicaid rate for ACT is \$1,109.56. This rate is anticipated to be offset by Medicaid savings of \$312.92, resulting in a net rate of \$796.64 due to moving individuals to a lower level of care.

New Crisis Services

- The Medicaid cost of crisis services will be offset by reduced utilization of other high-cost Medicaid services.
- There will be an estimated need for \$1.8 million for non-Medicaid crisis-related services to fill in the remaining gaps in regions that do not have the services. These expenditures will be funded by the regions.

Subacute Services

- The average daily bed rate will be \$400.
- There will be five beds in October 2018, increasing to 10 beds by the end of FY 2019 and 25 beds by the end of FY 2020.
- Medicaid will cover an 80.0% occupancy rate. The remaining costs will be funded by the regions.

Intensive Residential Home Services

- Services will begin January 2019.
- There will be 30 individuals served by the end of FY 2019, and 90 by the end of FY 2020.
- The estimated Medicaid daily rate is \$340, which is \$216.60 more than the average rate for these services. The fiscal impact is based on the difference between these two rates.

Fiscal Impact

The increased utilization of services due to [SF 2351](#) is estimated to increase General Fund expenditures by \$876,000 in FY 2019 and \$6.0 million in FY 2020. The startup and ongoing expenditures are estimated to cost the MHDS regions \$4.3 million in FY 2019 and \$10.0 million in FY 2020. A detailed breakdown of the estimated cost of each service is listed in **Table 1** below.

Table 1 — Fiscal Impact of SF 2351

	FY 2019			FY 2020		
	Total Federal, State, & Region	General Fund	Region Share	Total Federal, State, & Region	General Fund	Region Share
Access Centers						
Net Medicaid	\$ 112,908	\$ 45,242	\$ 0	\$ 3,089,902	\$ 1,238,124	\$ 0
Net Non-Medicaid	28,227	0	28,227	1,018,776	0	1,018,776
Total	\$ 141,134	\$ 45,242	\$ 28,227	\$ 4,108,678	\$ 1,238,124	\$ 1,018,776
Assertive Community Treatment						
Net Medicaid	\$ 494,315	\$ 198,072	\$ 0	\$ 3,907,120	\$ 1,565,583	\$ 0
Net Non-Medicaid	2,195,145	0	2,195,145	5,841,930	0	5,841,930
Total	\$ 2,689,460	\$ 198,072	\$ 2,195,145	\$ 9,749,050	\$ 1,565,583	\$ 5,841,930
New Crisis Services						
Net Medicaid	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Net Non-Medicaid	1,800,000	0	1,800,000	1,800,000	0	1,800,000
Total	\$ 1,800,000	\$ 0	\$ 1,800,000	\$ 1,800,000	\$ 0	\$ 1,800,000
Subacute Services						
Net Medicaid	\$ 676,800	\$ 271,194	\$ 0	\$ 2,340,800	\$ 937,959	\$ 0
Net Non-Medicaid	222,075	0	222,075	768,075	0	768,075
Total	\$ 898,875	\$ 271,194	\$ 222,075	\$ 3,108,875	\$ 937,959	\$ 768,075
Intensive Residential Home Services						
Net Medicaid	\$ 766,064	\$ 306,962	\$ 0	\$ 5,510,835	\$ 2,208,192	\$ 0
Net Non-Medicaid	79,375	0	79,375	571,000	0	571,000
Total	\$ 845,439	\$ 306,962	\$ 79,375	\$ 6,081,835	\$ 2,208,192	\$ 571,000
All Recommendations						
Net Medicaid	\$ 2,050,087	\$ 821,470	\$ 0	\$ 14,848,658	\$ 5,949,857	\$ 0
Net Non-Medicaid	4,324,822	0	4,324,822	9,999,781	0	9,999,781
DIA Inspection Costs	54,545	54,545	0	39,069	39,069	0
Total	\$ 6,429,454	\$ 876,015	\$ 4,324,822	\$ 24,887,507	\$ 5,988,926	\$ 9,999,781

Note: Totals may not sum due to rounding.

Sources

Department of Human Services
Department of Inspections and Appeals

/s/ Holly M. Lyons

February 27, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Attachment 1 - Estimate Of FY 2018 Regional Funding
2/15/2018

	A	B	C	D	E B+C+D	F	G E-F	H	I G-H
MHDS Region	SFY17 Annual Report Ending Fund Balance	SFY18 Projected Beginning Fund Balance	SFY18 Other Budgeted Funds	SFY18 Actual MHDS Levy	SFY18 Projected Funds Available	SFY18 Budgeted Expenditures	SFY18 Projected Ending Fund Balance	25% of SFY18 Budgeted Expenditures	Projected SFY18 Ending Fund Balance Above 25%
Central Iowa Community Services	\$20,375,635	\$20,375,635	\$0	\$7,267,078	\$27,642,713	\$15,740,000	\$11,902,713	\$3,935,000	\$7,967,713
County Rural Offices of Social Services (CROSS)	5,453,375	5,453,375	1,866	2,873,816	8,329,057	3,133,632	5,195,425	783,408	4,412,017
County Social Services (CSS)	12,951,523	12,951,523	200,000	15,141,421	28,292,944	19,670,808	8,622,136	4,917,702	3,704,434
Eastern Iowa MHDS Region	14,046,450	14,046,450	360,342	7,264,823	21,671,615	12,646,325	9,025,290	3,161,581	5,863,709
Heart of Iowa Region	4,260,419	4,260,419	0	2,009,346	6,269,765	2,521,304	3,748,461	630,326	3,118,135
MHDS of the East Central Region	34,090,159	34,090,159	488,885	17,048,705	51,627,749	21,570,368	30,057,381	5,392,592	24,664,789
Northwest Iowa Care Connections	4,571,910	4,571,910	51,916	1,628,397	6,252,223	2,920,015	3,332,208	730,004	2,602,204
Polk County Health Services	6,720,476	6,720,476	6,500,000	14,439,175	27,659,651	21,009,207	6,650,444	5,252,302	1,398,142
Rolling Hills Community Services Region	4,468,333	4,468,333	7,053	2,937,213	7,412,599	3,439,362	3,973,237	859,841	3,113,396
Sioux River MHDS	5,201,831	5,201,831	0	2,863,378	8,065,209	5,955,425	2,109,784	1,488,856	620,928
South Central Behavioral Health Region	6,124,099	6,124,099	0	2,906,205	9,030,304	4,909,326	4,120,978	1,227,332	2,893,647
Southeast Iowa Link (SEIL)	10,662,081	10,662,081	5,400	3,207,206	13,874,687	6,656,865	7,217,822	1,664,216	5,553,606
Southern Hills Regional Mental Health	408,903	408,903	0	995,545	1,404,448	1,084,856	319,592	271,214	48,378
Southwest Iowa MHDS Region	16,083,651	16,083,651	0	4,499,751	20,583,402	7,514,929	13,068,473	1,878,732	11,189,741
TOTAL	\$145,418,844	\$145,418,844	\$7,615,462	\$85,082,059	\$238,116,365	\$128,772,422	\$109,343,943	\$32,193,106	

SFY16, SFY17 and SFY18 Expenditure Comparison

MHDS Region	SFY16 Actual Expenditures	SFY17 Actual Expenditures	SFY18 Budgeted Expenditures
Central Iowa Community Services	\$7,807,631	\$8,991,274	\$15,740,000
County Rural Offices of Social Services (CROSS)	2,052,608	2,824,787	3,133,632
County Social Services (CSS)	18,152,964	19,852,837	19,670,808
Eastern Iowa MHDS Region	9,652,013	8,385,146	12,646,325
Heart of Iowa Region	2,621,301	2,739,959	2,521,304
MHDS of the East Central Region	17,978,277	17,375,112	21,570,368
Northwest Iowa Care Connections	1,832,205	1,827,192	2,920,015
Polk County Health Services	21,200,807	20,773,779	21,009,207
Rolling Hills Community Services Region	2,548,680	3,099,990	3,439,362
Sioux River MHDS	4,761,534	6,499,484	5,955,425
South Central Behavioral Health Region	2,662,458	3,206,013	4,909,326
Southeast Iowa Link (SEIL)	5,205,806	5,373,570	6,656,865
Southern Hills Regional Mental Health	1,187,258	1,139,035	1,084,856
Southwest Iowa MHDS Region	6,285,447	5,866,784	7,514,929
TOTAL	\$103,948,989	\$107,954,963	\$128,772,422

Notes:

SFY17 Actual Expenditures are from Region's FY17 Annual Reports less Case Management costs and Medicaid Revenue.

SFY17 Fund balances are from the Regional Annual Reports for SFY17 less Case Management costs and Medicaid Revenue.

SFY18 Other Budgeted Funding is from the Regions SFY18 Annual Service and Budget Plans.

SFY18 Budgeted Expenditures are from Region's FY18 Annual Service and Budget Plans less Case Management costs and Medicaid Revenue.

Prepared by the Department of Human Services

Fiscal Note

Fiscal Services Division



HF 2343 – Statutory Construction, Explicit Delegation of Authority (LSB5734HV.1)
Analyst: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

House File 2343, as amended and passed by the House, prohibits State agencies from implementing or enforcing any standard, requirement, or threshold without clear authorization by statute, rule, or regulation. This includes any term or condition of a permit or license issued by an agency, unless the standard, requirement, or threshold is clearly required or permitted by a State statute, rulemaking adopted pursuant to Iowa Code chapter **17A**, or federal statute or regulation, or is required by a court ruling, a State or federal executive order, a State or federal directive that would result in the gain or loss of specific funding, or a federal waiver.

Background

Iowa Code section **17A.23**, relating to rulemaking construction and delegation of authority, states that a State agency shall only exercise the authority or discretion delegated or conferred upon the agency by law, and shall not expand or enlarge its authority or discretion beyond such delegated or conferred powers. Current law also states that this grant of rulemaking authority shall be construed narrowly, but provides no explicit prohibition on implementing or enforcing a rulemaking without authorization by statute, rule, or regulation.

Assumptions

- Departments are currently constructing rulemakings that assist in the implementation of existing State programs that rely, in whole or in part, on federal funding.
- Due to the broad scope of the proposed legislation and the extensive amount of rulemakings housed in the Iowa Administrative Code, it is not possible to determine the amount of time and cost a State agency may incur as a result of a complete review of the agency's rulemakings, and what effect the implementation of the proposed new legal standard may have on any associated State or federal funding.
- Under the current rulemaking process, State agencies work in cooperation with the Office of the Attorney General to construct individual rulemakings, relying on the Office to assist in matters of legal interpretation and enforcement.

Fiscal Impact

House File 2343, as amended and passed by the House, does not have a fiscal impact.

Sources

Department of Agriculture and Land Stewardship
Department of Public Safety
Legislative Services Agency

/s/ Holly M. Lyons

February 28, 2018